

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07CV169

KIMBERLY A. HOYLE,

Plaintiff,

vs.

FREIGHTLINER, LLC,

Defendant.

ORDER

This matter is before the court upon Defendant's Motion to Dismiss Plaintiff's Complaint under Title VII pursuant to Rule 12(b)(1) because the Plaintiff lacks standing. The basis of Defendant's argument is that Plaintiff's claims herein belong not to her but to her Chapter 7 bankruptcy estate. Plaintiff has responded by filing a Motion to Stay proceedings in this case so that she may reopen her bankruptcy case and exempt these causes of action in order to retain standing to sue. The court will therefore stay this matter for a period of three months to allow the Plaintiff to seek to reopen and amend her bankruptcy filings and exempt her claims from the bankruptcy proceedings.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss is hereby DENIED at this time, and Plaintiff's Motion to Stay is hereby GRANTED. This case shall be stayed for a period of three months.

Signed: July 25, 2007



Graham C. Mullen  
United States District Judge

